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widow inheritance among the Luo community in Kenya**

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# Perspectives of Tradition, Religion, and Science on widow inheritance among the Luo community in Kenya

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## Abstract

The loss of a spouse imposes significant economic, social, and psychological challenges, with widows facing the greatest burden, often addressed through the longstanding practice of widow inheritance also referred to as levirate marriage. Historically, levirate marriage was practiced in ancient Judaism and has been observed in countries such as India, West Africa, and Malawi. Further, the practice has been one of the most contested topics, with several Christian denominations having theologically diverse perspectives on the subject. In Kenya, the Luo community is well known for widow inheritance, which entails an affair between the widow and a close relative of the widow's late husband. The inheritor largely in all aspects, becomes a new husband and plays all the socio-economic roles of the husband. This paper adopted a systematic analysis which entailed carefully reading each available articles while identifying and synthesizing the available evidence. This study explored the traditional, religious, and scientific perspectives on widow inheritance and their influence on eliminating the practice among the Luo community. The study focused only on the Christian religion that is predominantly practiced in the region. The study revealed that tradition, religion, and science concur that caring for the widows is an essential responsibility for the community. The study also noted that this practice can bring both positive and negative impacts on the psychological well-being of the widow, depending on the inheritor. The study also pointed out that some aspects of widow inheritance have been misused leading to the exploitation of widows. The paper recommends that women and the community must stand against aspects of traditions that undermine them in society. The study further recommends that widow inheritance should be critically reexamined within the context of modern society to align with evolving cultural and social norms. Specifically, this reexamination should focus on issues such as empowering women to have autonomy over their decisions regarding sexuality and relationships. Policymakers and community leaders should collaborate to establish guidelines and mechanisms that protect widows' rights and promote their well-being. Additionally, the study recommends that marital issues should be regarded as private and personal matters that primarily concern the individuals directly involved. Community members and families should limit their roles to offering moral support and acting as witnesses to unions, rather than imposing decisions on widows. This approach respects women's autonomy and reinforces their right to make independent choices about their lives and relationships. Finally, the study underscores the need for educational campaigns and advocacy efforts to create awareness about the harmful aspects of widow inheritance while promoting alternatives that uphold the dignity, health, and freedom of widows.

**Keywords:** *Culture, Tradition, Religion, Levirate, Interpretivism, Widow Inheritance, Luo community, Kenya*

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## 1.0 Introduction

The passing on of a spouse in any community is generally associated with a moment of sorrow. This is because many things, including the loss of love and care and the loss of a major source of livelihood, always accompany it. In many cultural settings, the loss of a spouse is associated with trauma (Owiyo, 2022). The loss presents numerous challenges including socio-economic and psychological challenges. It is noteworthy that widowhood presents different challenges for men and women. Difficulties, disorganization, and trauma associated with widowhood or loss of a spouse impact men and women differently. Additionally, it is also associated with a feeling of desertion and rejection. It typically characterizes a rapid change in a woman's social status and lifestyle (Owiyo, 2022). The practice of widow inheritance is not a new phenomenon. Widow inheritance was extensively practiced in ancient Judaism. Here widow inheritance was referred to as levirate marriage (Adeyemo, 2016).

Equally, it was also practiced in various countries. For instance, it has been practiced as a part of the Malawian tradition, in India and West African countries (Adeyemo, 2016). It is important to note that in all these cases, it was mainly practiced solely for purposes of cleansing and reproduction. Additionally, in countries such as Nigeria, being a widow was associated with serious traumatic experiences. Further in some communities in Africa widow inheritance was considered more of a disgrace (Adeyemo, 2016). The Luo are a Nilotic community living in Western Kenya, specifically around the Lake Victoria region. As part of their culture, the Luo community is well known for the practice of widow inheritance, which is commonly referred to as *tero* in *Dholuo* (Owiti, 2018). Among the Luo community, widows are expected to engage in sexual intercourse as a way of cleansing themselves following the passing on of their husbands (Perry et al., 2014). As a practice, widow inheritance normally entails an affair between the widow and a close relative of the widow's late husband. This happens upon the death of their husbands. According to the Luo community, this would preferably be a cousin to the late husband. In this sense, the inheritor largely in all aspects becomes a new husband. This is a practice common among the Luo in Kenya, Sudan, Tanzania, and parts of Eastern and Central Africa region (Owiti, 2018).

According to the practice, when a husband passes on, the remaining widow is free to enter a new relationship with another man. When this happens, this union is expected to lead to the bearing of children, especially where there were no children at the death of the husband. Additionally, it also culminated in the adoption of existing children in case there were children at the demise of the husband. According to the practice of widow inheritance, children born by an inheritor are considered the children of the late husband (Oluoch 2013). It is noteworthy that although, over time, there has been a lot of awareness and advocacy against the practice, especially among the churches, it is still a common practice among the Luo community. This paper, therefore, explores the cultural, religious, and scientific perspectives and their influence on the elimination of widow inheritance among the Luo community.

### 1.1 Statement of the Problem

The loss of a spouse in any community is generally associated with a moment of sorrow, which is accompanied by the loss of love and care as well as a major source of livelihood (Owiyo, 2022). Further, the loss presents numerous socio-economic and psychological challenges. Notable, widowhood presents different challenges for men and women; difficulties, disorganization, and trauma associated with widowhood or loss of a spouse impact men and women differently. Additionally, it is also associated with a feeling of desertion, and rejection and typically characterizes a rapid change in a woman's social status and lifestyle (Owiyo, 2022). Further, in countries such as Nigeria, being a widow was associated with serious traumatic experiences. In some communities in Africa, widow inheritance was considered

more of a disgrace (Adeyemo, 2016). It is noteworthy that in all these cases, widow inheritance was practiced solely for purposes of cleansing and reproduction.

In all these communities widow inheritance has faced serious criticism from various sections of the community including the church. Additionally, there has been increased awareness and advocacy efforts against the practice of widow inheritance. This is because this practice has been associated with both positive and negative impacts on the psychological well-being of women. It has also been pointed out that widow inheritance as a practice led to widows being exploited. Furthermore, it has been largely linked to the transmission of HIV among the Luo communities (Agot et al., 2010). Despite being largely abolished in many communities, it is still a common practice among the Luo community of Kenya.

## **1.2 Purpose of the study**

This paper sought to explore the traditional, religious, and scientific perspectives of widow inheritance and their influence on the elimination of widow inheritance among the Luo communities of Kenya. Specifically, it sought to establish the traditional, religious, and scientific perspectives of widow inheritance; identify the intersectionality of the different perspectives; and determine whether or not the practice should be abolished.

## **2.0 Theoretical Framework**

Various scholars have used various theories to understand widow inheritance as a cultural practice. One of the most common theories is Cultural relativism by Franz Boas (1987), which posits that the culture of a people should be understood from a context. Cultural practices are usually dependent on circumstances and the challenges that the community may be facing. This paper is anchored on the Cultural Interpretive Model by Kleinman (1997). The Cultural Interpretive Model is a way of studying culture that focuses on how people give meaning to their practices and symbols. The model is based on the belief that reality is determined by the beliefs and perspectives of individuals rather than actions themselves. This model explores how people interpret the cultural phenomena that are handed down to them from their networks of relations within the community (DiBianca, 2020). The model also explores how people perceive those phenomena and how they understand them. The model uses epistemology to know how people interpret their experiences and culture (DiBianca, 2020).

The principle behind the model is that people not only receive cultural phenomena and enact them, but they are also active participants in the creation and transmission of cultural phenomena from one network to another (Oluoch, 2013). This means that what may have been brought down to them may be rendered unrealistic by the changes in their living circumstances. As a consequence, people may have to come up with appropriate adaptive mechanisms which over time become part of their cultural repertoire. According to the Cultural Interpretive Model, the practice of widow inheritance is handed over from one generation to another. This model posits that the culture of widow inheritance may change over time, especially in a situation where the community feels that the practice is no longer useful to them under current circumstances. On the contrary, it may persist when people feel that it is still relevant to their present needs.

## **2.1 Empirical Literature Review**

### **The African Traditional Perspectives of Widow Inheritance**

In African culture, widow inheritance as a culture was mainly for the sole purpose of supporting and bringing up the deceased's children (Olando, 2024). According to the practice, the Male children born in this relationship qualified to be allocated community land and other important family property. In the African culture, inheriting land was a sign of recognition and acceptance by the respective community and a confirmation of the right of ownership (Olando 2024).

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Further, widow inheritance was aimed at providing support and protection for the widow after the loss of her spouse. In some African contexts, widow inheritance was meant to protect the widow from any illegitimate sexual activities. As a practice, after the burial of the deceased, the family and kinsmen would officially appoint a man to take care of the widow, mostly the deceased brother (Olando 2024). In a situation where the brothers were dead, or even younger, then another member of the immediate family or clan would be the inheritor (Olando 2024)

#### **The Luo traditional Perspective of widow inheritance:**

Among the Luo community, death has many socio-economic and psychological ramifications. According to the Luo community, caring for the widow is an important practice, and marriage is treated with great respect (Phillip et al., 2015). In case a spouse died, culturally, the procedures of widow care were immediately launched (Phillip et al., 2015). Widow inheritance is a means by which the community tries to cope with death and its adverse implications (Nyarwath, 2012). Ensuring that the gaps created by the death of a husband are filled is a means of guaranteeing social normalcy by minimizing the disruptive consequences of the death of a husband (Nyarwath, 2012). Imperatively, widow inheritance ensures sustained family stability by ensuring that the missed roles of the dead husband are provided for (Nyarwath, 2012). This is more so because there are still strong gender role ascriptions among the Luo community. Nyarwath (2012) asserts that according to tradition, inheritance is the best available alternative practice for support to the widow and the home of a deceased brother. Fundamentally, among the Luo community, marriage is an institution that is intended to be an everlasting agreement that extends beyond the physical death of the spouses (Ojwang, 2005). Notable, the practice of widow inheritance provided widows with some level of emotional support. This served to enhance the psychological well-being of the widows after the loss of their husbands. Ideally, it was a way of comforting the widow and keeping her from feeling lonely. With the abolition of widow inheritance as a result of increased advocacy, widows are left to grieve alone, leading to most widows feeling lonely and psychologically affected after the loss of their husbands (Nyarwath, 2012)

Furthermore, material well-being, including community property ownership, was reserved for the husband in the Luo community. Management of important community resources and many other important responsibilities required a man. Such a man would be like a father figure for this family. A home without a father figure was seen to be lacking a leader, and therefore no one would represent such a family on such issues at a council of elders' meetings. Imperatively, having a father figure would be useful in such a scenario as it would support the widow in addressing social issues affecting her, including those related to resource allocation, especially after the death of her husband (Nyarwath, 2012). Additionally, according to the Luo community, children always identify themselves with their fathers. During introductions at the community level, the children were always expected to introduce themselves by mentioning the names of their fathers. In a situation where the husband was absent, there existed a sense of non-belonging among the children. Such children were labelled as bastards among community members. In this arrangement, it never mattered whether or not the children maintained their deceased father's identity. The most important thing was that there was someone to help accomplish certain obligations, just like the father would have done (Nyarwath, 2012)

#### **Religious Perspectives of Widow Inheritance**

In the history of the church, one of the most contested topics discussed beyond the missionary era and resounds across the 21<sup>st</sup> century is the issue of wife inheritance (Olando 2024). Several Christian denominations have theologically diverse perspectives on the subject of wife inheritance subject. Some African church groupings also give varied reasons for or against wife

inheritance. As a consequence, various African scholars and writers have continued to debate its efficacy in the context of Christian teachings or its lack of efficacy. Consequently, a theological and doctrinal prohibition that has persisted across the mainstream and missionary churches and among the African-instituted churches in Kenya has been a motivating factor for research and publications. Notably, the missionary churches have relentlessly maintained their stance that wife inheritance, especially in a situation where the male inheritor has another wife is sinful (Olando 2024)

#### *The Old Testament teachings on Widow Inheritance:*

According to the biblical teachings of the Old Testament, it is very evident that God has a special compassion for widows and other vulnerable members of the community. As noted by Phillip et.al (2015), God had a very strict warning to Christians about being compassionate to widows. This is according to the biblical teachings of the Old Testament (Isaiah 1:17). The major references in the Old Testament have a lot to say about the practice of levirate marriages. Under this practice, the widow was expected to be married by the brother of the deceased man. In other words, the widow was expected to be married within the family and not outside the family setup (Deuteronomy 25:5-10). Furthermore, based on this Mosaic law, the firstborn son of this marriage was given the name of the deceased brother so that his name would not be blotted out of Israel (Walvoord et al., 1985) According to the Levirate practice, the community would stigmatize and condemn any man who refused to marry the widow of his deceased brother. Along with cultural pressure from the community and God enforcing this law in his covenant community, in one instance struck to death the son of Judah who refused the responsibility that went with it (Genesis 37:6-11).

#### *The New Testament teachings on Widow Inheritance:*

According to the New Testament, it is very explicit that the care for the widows is a necessary practice (Phillip et al., 2015). In the book of 1 Timothy 5:3, The Apostle Paul pointed out that widows are indeed in need of care from the church. He further noted that caring for the widows is an important element of Christian duty. In any case, if a widow has no immediate family members to take care of them, the church would be challenged to take responsibility for her well-being (1 Tim 5:3). The Apostle Paul added that the church must put in place mechanisms for taking care of widows and other vulnerable members of the community. Further, the Apostle James defined true religion as one that demonstrated true compassion to the poor in the community, specifically, widows and orphans (James 1:27).

#### *A critical analysis of religious perspective:*

An analysis of the religious perspective insinuates that the Christian widow is expected to live a life of purity, whether or not she marries. The book of 1 Timothy.5:11,15) indicates that young widows should be remarried. This is mainly to avoid any sexual temptation. The scripture further stresses that purity is of importance and that fornication is forbidden. This arrangement is different from the Old Testament which permitted levirate marriage. As noted by Phillip et al., (2015), in case a young widow has very strong sexual desire in the New Testament, she has a responsibility to God to get remarried rather than fall into sin Phillip et.al (2015) further emphasized that it is the responsibility of the church to find an appropriate way of supporting the widows. On the other hand, older widows who lack the means to support themselves, should seek support from their children (1 Tim. 5:4).

The Christian practice of caring for the widows is a call from God. It is noteworthy that God is the defender of widows, and for this reason, he made laws to demand justice for widows (Phillip et al., 2015). Widow care is a key aspect of holiness. The Scripture further directs that

Christians must be taught to follow what the scriptures say. This is applicable in a situation where traditional practices go against the teachings of the Scripture. Boaheng, I., & Boaheng, S. (2014) note that biblical principles can be developed and promoted using the African concepts of humanity and hospitality. The Christian concept of salvation has over the period tried to preach against widow inheritance as a practice among the Luo community.

Within the Luo community, Christian denominations have relentlessly campaigned against the practice of widow inheritance. Their argument is anchored on the fact that when one believes in Jesus Christ then issues of the protection of the widow should be taken care of. They argue that the practice of widow inheritance is against the path of salvation. Russell (1975) notes that in many ways the Church has inflicted unnecessary suffering on people by defining to people what is moral and what is not moral. He further notes that the Church has chosen to label as morality some behaviors which have no bearing on human happiness. Imperatively, this may be true regarding widow inheritance especially if it brings happiness for those who practice it.

### **Scientific Perspectives of Widow Inheritance:**

Scientists perceive widow inheritance as largely associated with the spread of Human Immunodeficiency Virus (HIV) among practicing communities. Studies have suggested that widow inheritance is among the factors that drive the burden of HIV among the Luo communities, increasing their risk for HIV transmission (Agot et al., 2010). According to this practice, the inheritors are mostly married people, the majority of whom engage in concurrent sexual relationships (Agot et al., 2010). On the other hand, many widows who are already infected by their late husbands are likely to infect their inheritors. The inheritors would thereafter infect their wives and other sexual partners within their sexual networks increasing the chances of HIV transmission (Agot et al., 2010). From a scientific perspective, and in this sense, the widows who are inherited to fulfill cultural obligations have a higher chance of contracting HIV than those who remain un-inherited or those who are inherited for companionship (Perry et al., 2014)

Additionally, as a result of this practice, there is a high birth rate of children who are born, that are likely to be infected with HIV (Awuor 2013). Ultimately, the practice has led to disrespect between community members and how they treat their HIV-infected orphaned children. As a result, most of these children end up in the street as street children. This jeopardizes their future as useful citizens (Awuor 2013). Similar to the traditional perspective, the practice provided widows with some level of emotional support. This served to enhance the psychological well-being of the widows after the loss of their husbands. According to the Luo culture, it was a way of comforting the widow and keeping her from feeling lonely. Sadly, with the abolition of widow inheritance as a result of increased advocacy, widows are left to grieve alone, leading to most widows feeling lonely and psychologically affected after the loss of their husbands. Studies have demonstrated that sexual urges and their fulfillment usually affect both the physical and mental well-being of any individual. As Russell (1977) notes, sex is regarded as a basic need that must be fulfilled to avoid certain unwelcome social behaviors. Further, Oruka (1991) posits that sex is a basic human need besides food, shelter, and clothing. He presents an argument that widow inheritance would help prevent sexual promiscuity among sexually active widows (Oruka, 1991). Further, it would help restore respect and dignity for the widow, the late husband's family, and society in general.

### **3.0 Methods**

The study employed a systematic analysis approach to explore the traditional, religious, and scientific perspectives on widow inheritance among the Luo community in Kenya. Data were collected through an extensive review of secondary sources, including academic journals,

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books, and credible online publications, focusing on works published from 2010 onwards. Ethical considerations included proper citation of sources and adherence to guidelines for conducting literature reviews. The study acknowledged limitations such as reliance on secondary data and the exclusion of literature published before 2010, which might omit some historical perspectives.

#### **4.0 Findings**

It is important to note that the Luo tradition, religion, and science concur that caring for the widows is an essential responsibility for the community. Traditionally it is argued that widow inheritance is a means by which the community tries to cope with death and its adverse implications (Nyarwath, 2012). It ensures sustained stability of the family by ensuring that the missed roles of the dead husband are provided for (Nyarwath, 2012). Certain studies have shown that inherited widows experience both negative and positive psychological well-being depending on the inheritor (Owiyo, 2022). Owiyo (2022) further notes that inheritance provides widows with emotional support that enhances their psychological well-being. From a religious perspective, caring for widows is rooted in God and his purpose. Widow care is a key aspect of holiness and God is the defender of widows. God made laws to demand justice for widows (Phillip et al., 2015). Equally, science has demonstrated that sexual urges may influence mental and physical well-being (Russell, 1977).

The tradition acknowledges that there are some cases where the inheritance happens without the consent of the widows. Sometimes there is pressure on women to inherit men who are older than them (Adeyemo, 2016). Studies have indicated that widow inheritance is a form of gender-based violence that has had devastating effects on women. The practice also has a negative economic impact on the women, especially where the widow's interest and that of their inheritors often end up in dispute where women suffer the burden of raising the children borne out of such relationships (Adeyemo, 2016). Studies have also demonstrated that widow inheritance increases the burden of HIV among the Luo communities (Agot et al., 2010).

#### **5.0 Conclusion**

Tradition, religion, and science concur that caring for the widows is an essential responsibility for the community, and that widow inheritance is a means by which the community provides social support to the women after the death of their husbands. This practice as it has been shown can bring both positive and negative psychological well-being. Science confirms that while inheritance may increase HIV prevalence, it provides widows with emotional support that enhances their psychological well-being. Religion asserts that caring for widows is rooted in God and is a key aspect of holiness. It is noteworthy that the traditional practice of widow inheritance has been seriously misused in the context of widow care. It has been seriously misunderstood, and in several cases, the widows have been subjected to serious exploitation. Women must therefore stand against traditions that undermine them in society, exposing them to serious challenges, including the HIV/AIDS epidemic as the study as has been shown in this study.

Widow inheritance as a practice provides an opportunity for the widow with some feeling of belonging. However, due to the continuous changes in inheritance as a practice and social transformation, the study suggested that this practice needs to be reexamined in the context of our present society. Several adjustments may need to be made to the practice to address and discourage emerging abuses that are associated with the practice. This will help make the practice more amenable to the present challenges facing our societies in the 21<sup>st</sup> Century. Finally, it is indeed important to note that in modern society, marital issues have become the private personal affair of concerned individuals. Community members and the family have a role to play mainly as witnesses to the union in the form of weddings, traditional marriage



ceremonies, and civil marriages. Imperatively, it is no longer reasonable for a community to decide on behalf of a woman in a manner that points to the fact that they can therefore control her decisions.

## 6.0 Recommendations

The study recommends that widow inheritance should be critically reexamined within the context of modern society to align with evolving cultural and social norms. Specifically, this reexamination should focus on issues such as empowering women to have autonomy over their decisions regarding sexuality and relationships. The study further highlights the importance of addressing health concerns, including the spread of HIV and other sexually transmitted infections, which have been strongly associated with the practice. The study also recommends that adjustments should be made to widow inheritance practices to mitigate the emerging abuses and exploitation that widows often face. These adjustments should aim to preserve the emotional and economic support that the practice historically provided while eliminating coercion, discrimination, and health risks. Policymakers and community leaders should collaborate to establish guidelines and mechanisms that protect widows' rights and promote their well-being. Additionally, the study recommends that marital issues should be regarded as private and personal matters that primarily concern the individuals directly involved. Community members and families should limit their roles to offering moral support and acting as witnesses to unions, rather than imposing decisions on widows. This approach would go a long way in promoting women's autonomy and their right to make independent choices about their relationships, including the decision to get re-married or not after the loss of their spouses. Finally, the study underscores the need for educational campaigns and advocacy efforts to create awareness about the harmful aspects of widow inheritance while promoting alternatives that uphold the dignity, health, and freedom of widows. Such efforts should empower women and the broader community to challenge and reform traditions that undermine women's rights and expose them to social, economic, and health-related vulnerabilities.

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